

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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SCOTT PHILLIP LEWIS,

Plaintiff,

-v-

8:24-CV-29

CITIZENS UNITED, INC.,

Defendant.

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APPEARANCES:

SCOTT PHILLIP LEWIS  
Plaintiff, Pro Se  
1936 Saranac Avenue  
#3, PMB 411  
Lake Placid, NY 12946

OF COUNSEL:

DAVID N. HURD  
United States District Judge

**ORDER ON REPORT & RECOMMENDATION**

On January 8, 2024, *pro se* plaintiff Scott Phillip Lewis (“plaintiff”) filed this civil action alleging that defendant violated his rights under two federal disability statutes. Dkt. No. 1. Along with his complaint, plaintiff moved for leave to proceed *in forma pauperis* (“IFP Application”). Dkt. No. 3.

On February 22, 2024, U.S. Magistrate Judge Daniel J. Stewart granted plaintiff’s IFP Application, Dkt. No. 12, conducted an initial review of the

pleading, and advised by Report & Recommendation (“R&R”) that plaintiff’s complaint be dismissed with leave to amend. Dkt. No. 13. As Judge Stewart explained, plaintiff’s pleading failed to allege sufficient factual matter from which to determine whether defendant plausibly denied plaintiff “access to goods and services” under the governing law. *Id.*

Plaintiff has not lodged objections. Instead, plaintiff has filed two appeals from Judge Stewart’s non-dispositive case management orders. Dkt. No. 15, 17. Plaintiff has also moved for leave to file a first amended complaint. Dkt. No. 20.

Upon review for clear error, the R&R is accepted and will be adopted, *see* FED R. CIV. P. 72(b), and plaintiff’s appeals from Judge Stewart’s orders will be rejected, *see* 28 U.S.C. § 636(b)(1)(A). Plaintiff’s motion for leave to file a first amended complaint will be granted. Plaintiff’s amended pleading will be accepted for filing and referred to Judge Stewart for an initial review.

Therefore, it is

ORDERED that

1. The Report & Recommendation (Dkt. No. 13) is ACCEPTED;
2. Plaintiff’s appeals (Dkt. Nos. 15, 19) are DENIED;
3. Plaintiff’s complaint (Dkt. No. 1) is DISMISSED with leave to amend;
4. Plaintiff’s motion (Dkt. No. 20) for leave to file a first amended complaint is GRANTED;

5. Plaintiff's (Dkt. No. 20-1) First Amended Complaint is ACCEPTED for filing; and

6. This matter is REFERRED to Judge Stewart for further review.

The Clerk of the Court is directed to terminate the pending motions and refer this matter to the assigned Magistrate Judge for further proceedings.

IT IS SO ORDERED.

Dated: April 16, 2024  
Utica, New York.



David N. Hurd  
U.S. District Judge